

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

~~CHAPTER~~ 315

SENATE BILL 1031

AN ACT

AMENDING SECTIONS 41-2752 AND 46-295, ARIZONA REVISED STATUTES; RELATING TO
STATE COMPETITION WITH PRIVATE ENTERPRISE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2752, Arizona Revised Statutes, is amended to
3 read:

4 41-2752. State competition with private enterprise prohibited;
5 exceptions

6 A. A state agency shall not engage in the manufacturing, processing,
7 sale, offering for sale, rental, leasing, delivery, dispensing, distributing
8 or advertising of goods or services to the public which THAT are also offered
9 by private enterprise unless specifically authorized by law other than
10 administrative law and executive orders.

11 B. A state agency shall not offer or provide goods or services to the
12 public for or through another state agency or a local agency, including by
13 intergovernmental or interagency agreement, in violation of this section or
14 section 41-2753.

15 C. ~~Except as otherwise provided in section 41-2754, subsection I, The~~
16 ~~restrictions on activities which THAT compete with private enterprise~~
17 ~~contained in this section do not apply to:~~

18 1. The development, operation and management of state parks,
19 historical monuments and hiking or equestrian trails.

20 2. Correctional industries established and operated by the state
21 department of corrections providing the prices charged for products sold by
22 the correctional industries are not less than the actual cost of producing
23 and marketing the product plus a reasonable allowance for overhead and
24 administrative costs.

25 3. The Arizona office of tourism.

26 4. The Arizona highways magazine, operated by the department of
27 transportation.

28 5. Printing and distributing information to the public if the agency
29 is otherwise authorized to do so, and printing or copying public records or
30 other material relating to the public agency's public business and recovering
31 through fees and charges the costs of such printing, copying and
32 distribution.

33 6. The department of public safety.

34 7. The construction, maintenance and operation of state transportation
35 facilities.

36 8. The development, distribution, maintenance, support, licensing,
37 leasing or sale of computer software by the department of transportation.

38 9. Agreements executed by the Arizona health care cost containment
39 system administration with other states to design, develop, install and
40 operate information technology systems and related services or other
41 administrative services pursuant to section 36-2925.

42 10. AGREEMENTS EXECUTED BY THE DEPARTMENT OF ECONOMIC SECURITY WITH
43 OTHER STATES TO DESIGN, DEVELOP, INSTALL AND OPERATE SUPPORT COLLECTION
44 TECHNOLOGY SYSTEMS AND RELATED SERVICES. THE DEPARTMENT SHALL DEPOSIT,

1 PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES RECEIVED PURSUANT TO THIS
2 PARAGRAPH IN THE PUBLIC ASSISTANCE COLLECTIONS FUND ESTABLISHED BY SECTION
3 46-295.

4 D. The restrictions on activities which THAT compete with private
5 enterprise contained in subsection A of this section do not apply to
6 community colleges and universities under the jurisdiction of a state
7 governing board.

8 Sec. 2. Section 46-295, Arizona Revised Statutes, is amended to read:
9 46-295. Recovery of public assistance from legally responsible

10 persons; fund; definition

11 A. If a recipient of public assistance has a person legally
12 responsible for his THAT PERSON'S support who is presently able to reimburse
13 the department for public assistance provided, the department, through the
14 attorney general or county attorney, shall proceed in the following order
15 against:

- 16 1. The spouse of a recipient.
- 17 2. The former spouse of a recipient.
- 18 3. A father or mother not presently receiving public assistance.
- 19 4. Any other legally responsible person.

20 B. If a recipient of public assistance receives an overpayment of
21 support or is determined ineligible pursuant to sections SECTION 46-233,
22 46-234, 46-292 or 46-293, the department of economic security may recover the
23 support incorrectly paid during that time period. The DEPARTMENT SHALL
24 DEPOSIT monies recovered ~~shall be deposited into~~ IN the public assistance
25 collections fund ESTABLISHED PURSUANT TO THIS SECTION.

26 C. ~~Upon~~ ON request of the department the attorney general or county
27 attorney shall, ~~on behalf of the department,~~ commence an action in the
28 superior court in the county where the recipient of public assistance resides
29 or in the superior court in Maricopa county, against the persons in the order
30 specified in subsection A of this section, to recover the assistance granted
31 and to secure an order requiring payment of amounts which THAT become due in
32 the future for which the person is liable.

33 D. ~~A~~ THE public assistance collections fund is established ~~in the~~
34 department consisting of monies received pursuant to this section AND SECTION
35 41-2752. THE DEPARTMENT SHALL ADMINISTER THE FUND. Subject to legislative
36 appropriation, the DEPARTMENT SHALL USE fund monies ~~shall be used~~ to improve
37 public assistance collection activities. THE DEPARTMENT SHALL DEPOSIT,
38 PURSUANT TO SECTIONS 35-146 AND 35-147, twenty-five per cent of the monies
39 received COLLECTED pursuant to this section ~~shall be deposited~~ in the public
40 assistance collections fund. ~~The remaining~~ AND seventy-five per cent of the
41 monies collected ~~shall be deposited~~ PURSUANT TO THIS SECTION in the state
42 general fund. NOTWITHSTANDING THIS SUBSECTION, PURSUANT TO SECTIONS 35-146
43 AND 35-147, THE DEPARTMENT SHALL DEPOSIT FIFTY PER CENT OF THE MONIES
44 COLLECTED PURSUANT TO SECTION 41-2752 IN THE PUBLIC ASSISTANCE FUND AND THE

1 REMAINING FIFTY PER CENT OF THE MONIES COLLECTED PURSUANT TO SECTION 41-2752
2 SHALL BE DEPOSITED IN THE STATE GENERAL FUND.

3 E. ~~in~~ FOR THE PURPOSES OF this section, "public assistance" includes
4 monies paid by the department to or for the benefit of a dependent child and
5 foster care maintenance paid pursuant to 42 United States Code sections 670
6 through 676.

7 Sec. 3. Emergency

8 This act is an emergency measure that is necessary to preserve the
9 public peace, health or safety and is operative immediately as provided by
10 law.

APPROVED BY THE GOVERNOR MAY 4, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 4, 2001.

Passed the House April 24, 20 01,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting
with emergency

[Signature]
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate February 5, 20 01,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting
with Emergency

Ra. [Signature]
President of the Senate

Chamion B. [Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1031

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this day of , 20 ,

at o'clock M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 1, 20 01,

by the following vote: 26 Ayes,

2 Nays, 2 Not Voting

with Emergency

Robert A. ...
President of the Senate

Chaimin Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of May, 20 01,

at 10:34 o'clock A M.

Sandra Ramirez
Secretary to the Governor

APPROVED THIS 4th day of

May, 20 01,

at 10:56 o'clock A M.

Jane ...
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of May, 20 01,

at 4:34 o'clock P M.

Robert ...
Secretary of State

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